

IN THE SUPREME COURT OF THE STATE OF NEVADA

SCOTT ALLEN FLETCHER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45259

FILED

SEP 26 2005

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

This is a proper person appeal from an order of the district court denying appellant's post-conviction petition for a writ of mandamus. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

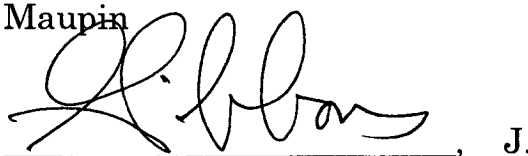
On February 1, 2005, appellant filed a proper person post-conviction petition for a writ of mandamus in the district court. On August 9, 2005, the district court denied the petition without prejudice. This appeal followed.

Appellant identified his petition as a First Amendment Petition and claimed that the High Desert State Prison has "slowly, arbitrarily and capriciously restricted [his] 'Wiccan' worship." Our review of the record on appeal reveals that the district court concluded that because the writ petition was civil in nature, the filing of the petition in appellant's criminal case was inappropriate. The district court therefore denied the petition without prejudice. We conclude that the district court did not err in denying the petition. Appellant has an adequate legal remedy by way of a civil rights complaint.

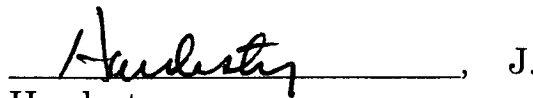
Having reviewed the record on appeal, and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted.¹ Accordingly, we
ORDER the judgment of the district court AFFIRMED.



Maupin



Gibbons



Hardesty

cc: Hon. Michelle Leavitt, District Judge
Scott Allen Fletcher
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

¹See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).